

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)	
)	
)	
vs.)	Case No. 05-0179-01-CR-W-FJG
)	
Eddie W. Smith,)	
)	
)	

ORDER

Pending before the Court is the issue of defendant's competency. On July 21, 2005, Magistrate Judge Robert E. Larsen held a hearing regarding defendant's competency at which time the parties stipulated to a report prepared by prepared by the Metropolitan Correctional Center in Chicago, Illinois signed by Jason V. Dana, Psy.D. That report concluded that defendant is not presently suffering from a mental disease or defect rendering him incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him.

Magistrate Judge Larsen issued a report and recommendation (Doc. #24), filed July 22, 2005, finding that defendant is competent to continue with the proceedings and to assist in his defense. No objections to Magistrate Larsen's report and recommendation were filed.

The Court, after independent review of the record and applicable law, finds that defendant is not currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assisting in his own defense.

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.
Judge Fernando J. Gaitan, Jr.
United States District Judge

Dated: August 23, 2005
Kansas City, Missouri